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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,600	10/01/2003	Thomas H. Hamilton	5500-95500	7978
53806	7590	02/24/2006		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL (AMD)				
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			EXAMINER	
			ELAMIN, ABDELMONIEM I	
			ART UNIT	PAPER NUMBER
			2116	

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,600	<b>Applicant(s)</b> HAMILTON ET AL.	
	<b>Examiner</b> A Elamin	<b>Art Unit</b> 2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/10/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 9-19 are rejected under 35 U.S.C. 101 because the claimed invention
3. is directed to non-statutory subject matter. Specifically, according to page 11, lines 5-7 of the specification and the machine-readable medium in the claim 9 include non-statutory subject matter such as signals.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper, Pub. No. US 2004/0103331 A1 in view of Minamizawa, US. Pat. No. 6,065,074.

6. Claims 1, 9, 19, Cooper teaches a method [*title, abstract, see also the Fig. 2*] comprising;  
in response to a cold reset in a computer system [*see initialization steps 200-220 of Fig. 2*], initializing a plurality of indications [*BIOS resume task table of Fig. 1*] in a nonvolatile

memory [*para 0058, line 3*] to a first state [*see the flags in column 104 of Fig. 1*], wherein each of the plurality of indications is assigned to a respective one of a plurality of tasks to be executed on one or more processors of the computer system [*see Fig. 1 and related disclosure*]; and

executing a first task of the plurality of tasks, wherein the first indication is assigned to the first task [*step 214 of Fig. 2*].

Cooper does not explicitly teach the executing comprising changing a first indication of the plurality of indications to a second state.

Minamizawa teaches a task execution routine [*Fig. 2*], comprising changing a first indication of the plurality of indications to a second state [*changing the task flag to "ON", see steps S4-S6 of Fig. 2*].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Cooper to include the executing comprising changing a first indication of the plurality of indications to a second state, because it eliminates redundantly executing the same task [*see Minamizawa, col. 7, lines 13-15*].

7. Claims 2, 10, Cooper teaches executing a second task of the plurality of tasks, the executing comprising changing a second indication of the plurality of indications to the second state, wherein the second indication is assigned to the second task [*see Cooper Fig. 2*].

8. Claims 3, 11, Cooper teaches the executing further comprises initially checking that the first indication is in the first state [*step 212 of Fig. 2*].

9. Claims 4, 12, Cooper teaches executing the first task if the first indication is not in the first state [*yes in step 212 of Fig. 2*].

Art Unit: 2116

10. Claims 5, 13, Cooper teaches determining if a warm reset has occurred, and exiting the first task if the warm reset has not occurred [*yes to step 210*].

11. Claims 6-8, 14-16, Cooper teaches checking a warm reset indication stored in a register in the computer system. [*Typically, a processor provides an indication of its reset state, permitting software (e.g. BIOS code) to detect whether a warm reset or a cold reset has occurred, as admitted in the specification of the instant application, page 2*].

12. Claim 17, Cooper teaches a first medium comprising the first one or more instructions and the first task and a second medium storing the plurality of indications [*see Fig. 1*].

13. Claim 18, Cooper teaches the second medium comprises a nonvolatile memory [*para 0058, line 3*].

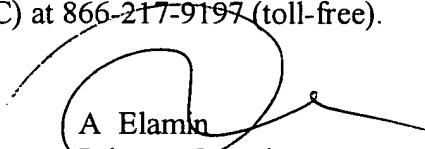
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to A Elamin whose telephone number is (571) 272-3674. The examiner can normally be reached on MON-FRI 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on (571) 272-3670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2116

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



A. Elam  
Primary Examiner  
Art Unit 2116

February 20, 2006